

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRU “KEN” HSU, individually and as
a trustee of the DARRU K. HSU AND
GINA T. HSU LIVING TRUST, and on
behalf of all others similarly situated,

Plaintiff,

v.

UBS FINANCIAL SERVICES, INC.,

Defendant.

No. C 11-02076 WHA

**ORDER DENYING MOTION TO
INTRODUCE NEW EVIDENCE**

This action brought by *pro se* plaintiff Daru “Ken” Hsu was dismissed and closed long ago in 2011. The dismissal was then affirmed by our court of appeals in 2013, with Hsu’s petition for writ of certiorari to the Supreme Court denied thereafter.

Nevertheless, Hsu then filed two more motions with the undersigned judge: (1) a Rule 60(b)(6) and (d)(3) motion, and (2) a motion to enter default judgment against defendant UBS Financial Services, Inc. An order dated March 6, 2014, denied both motions (Dkt. No. 69). On March 26, 2014, Hsu filed another motion to “amend and correct” the March 6 order, later that day filing a notice of appeal on the March 6 order (Dkt. Nos. 70, 71).

The essence of Hsu’s latest motion is as follows. He seeks to introduce “newly discovered evidence” for the March 6 order, including a 2010 Form ADV Disclosure Brochure and documents from his prior FINRA arbitration. According to Hsu, “[t]he foregoing evidence supports [his] [Rule] 60(b) Motion under which [his] due diligence in appeals tolled the time

1 limit within a year for any sub-sections of Rule 60(b); or meets the elements for new trial” (Dkt.
2 No. 70 at 4).

3 Hsu’s motion is **DENIED**. The March 6 order has already decided the Rule 60(b) motion,
4 and Hsu’s “newly discovered evidence” does not change that decision. In effect, Hsu seeks a
5 reconsideration of the March 6 order, but even so, such relief is unavailable to him under our
6 local rules. This is because Hsu must first seek leave of the undersigned judge *before* filing a
7 motion for reconsideration. *See* Civ. L.R. 7-9(a).

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9 **IT IS SO ORDERED.**

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11 Dated: April 1, 2014.



12 WILLIAM ALSUP
13 UNITED STATES DISTRICT JUDGE
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